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15 **UNITED STATES BANKRUPTCY COURT**

16 **FOR THE DISTRICT OF NEVADA**

17 In re:	Case No.: BK-S-18-10453-LED
18 U.S.A. DAWGS, INC.,	Chapter 11
19 Debtor.	Date: N/A
	Time: N/A

20 **OPPOSITION TO EX PARTE APPLICATION FOR ORDER SHORTENING TIME  
 21 TO HEAR MOTION TO DISMISS OR APPOINT A TRUSTEE FOR BAD FAITH  
 22 OR, IN THE ALTERNATIVE, MOTION FOR RELIEF FROM  
 23 THE AUTOMATIC STAY OR FOR ABSTENTION**

24 U.S.A. Dawgs, Inc., debtor and debtor-in-possession (the “Debtor”), by and through its  
 25 proposed counsel, Garman Turner Gordon, LLP, hereby submits its opposition (the  
 26 “Opposition”) to the *Ex Parte Application for Order Shortening Time to Hear Motion to Dismiss*  
 27 or *Appoint a Trustee for Bad Faith or, in the Alternative, Motion for Relief From the Automatic*  
 28 *Stay or for Abstention* [ECF No. 52] (the “OST Application”), filed by GemCap Lending I, LLC  
 (“GemCap”) on February 8, 2018.

29 In the Motion<sup>1</sup>, GemCap requests that the Court: (i) dismiss the chapter 11 case under  
 30 Section 1112; (ii) appoint a trustee or examiner for bad faith; (iii) order relief from the automatic  
 31 stay under Section 362 to pursue pending California litigation; or (iv) abstain from hearing the

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32 <sup>1</sup> “Motion” as used herein refers to the *Motion to Dismiss or Appoint a Trustee for Bad Faith or, in the Alternative,*  
 33 *Motion for Relief From the Automatic Stay or for Abstention* [ECF No. 45].

1 chapter 11 case until resolution of the California litigation pursuant to Section 305. See Motion,  
 2 p. 1. Despite the extraordinary relief requested, GemCap has requested “that a hearing be  
 3 scheduled on shortened time instead of in the ordinary course to prevent a prolonged period of  
 4 Debtor’s use of GemCap’s cash collateral.” See Motion, p. 7. Through the OST Application  
 5 GemCap requests that the Motion be heard on shorten time at the Court’s earliest convenience or  
 6 at the same date and time at which the Court conducts a continued hearing on Debtor’s contested  
 7 cash collateral motion. See id., p. 2.

8 After filing the OST Application, GemCap filed its *Notice of Motion/Hearing on Motion*  
 9 *to Dismiss or Appoint a Trustee for Bad Faith or, in the Alternative, Motion for Relief From the*  
 10 *Automatic Stay or for Abstention* [ECF No. 57] (the “NOH”), thereby setting the Motion for  
 11 hearing on March 12, 2018, at 9:30 a.m. GemCap served the NOH on February 9, 2018. See  
 12 ECF No. 58.

13 As GemCap filed and served the NOH, thereby setting the hearing on the Motion on  
 14 March 12, 2018, at 9:30 a.m., the OST Application has effectively been withdrawn. To the  
 15 extent it remains pending, it should be denied. GemCap plainly acknowledges that it seeks to  
 16 have the Motion heard on shortened time to “prevent a prolonged period of Debtor’s use of  
 17 GemCap’s cash collateral.” The Court ruled on Debtor’s request for use of GemCap’s cash  
 18 collateral on February 9, 2018, and overruled GemCap’s objections to such use. The Court set a  
 19 final hearing (the “Final Hearing”) on cash collateral for February 26, 2018 [see ECF No. 56],  
 20 where GemCap can present its arguments regarding the use of cash collateral and the Court will  
 21 likewise issue an order on the same. Thus, GemCap’s Motion and OST application is simply an  
 22 end-run-around this Court’s February 9 interim order on cash collateral and any further hearings  
 23 on cash collateral.

24 Based upon the foregoing, Debtor respectfully requests that the Court deny the OST  
 25 Application and hear the Motion on ordinary time on March 12, 2018, at 9:30 a.m., the date and  
 26 time that GemCap already notified interested parties that the Motion would be heard.

27 ...

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1 DATED this 12th day of February, 2018.

2 GARMAN TURNER GORDON LLP

3 By: /s/ Mark M. Weisenmiller  
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